

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY, APRIL 7, 2010
DE CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON MAY 5, 2010
MEETING MINUTES**

Present: Paul Knowlton, Rick Doughty, Bob Hand, and Steve Leach

Staff: Dawn Kinney, Alan Leo, and Drexell White

Board:

AAG: Laura Yustak Smith, AAG

1. **Call To Order:** The meeting was called to order at 9:05 a.m.
2. **Business:** The Committee held informal conferences on cases #09-43, #09-42, #10-02, #10-05, #09-47 and #09-25 and made the recommendations outlined below.
3. **Additions to agenda:** None
3. **Application:** None
4. **Other:** None
5. **Next Meeting:** The next meeting is scheduled for Wednesday, June 2, 2010 at 9:00 a.m.
6. **Adjourn:** The meeting was adjourned at 2:15 p.m.

COMPLAINT/INVESTIGATIONS CASE:

1. **None**

INFORMAL CONFERENCES:

1. **CASE # 09-43- Licensee not present. ***

The committee entered executive session for the purpose of reviewing investigation and discussing case #09-43. **Motion:** To enter executive session pursuant to 32 M.R.S.A. §90 (A)(3), §92 and 1 M.R.S.A. §405(6)(E) & (F) to receive legal advice and to conduct an informal conference concerning case # 09-43. (Doughty; Knowlton – motion carried). The committee entered executive session at 09:15 a.m. and returned to public session at 9:35 a.m. During executive session, the committee discussed options for disposition of case # 09-43.

Case Summary and Rules Violation: After discussion, Doughty moved to recommend that the Board resolve case # 09-43 by issuing the Licensee a Consent Agreement with a Reprimand based upon providing Emergency Medical Dispatch without a license for 13 months from December 2007 to February 2009, in violation of Maine EMS Rules (dated September 1, 2006) Chapter 11 §(1)(2) – Violating a lawful order, rule or consent agreement of the Board; Chapter 11 §(1)(3) Violating any of the provisions of 32 M.R.S.A., Chapter 2-B; Chapter 11 §(1)(13) Engaging in conduct prohibited by law; and 32 MRSA §82 (1) License required [emergency medical dispatch center or emergency medical dispatcher may not operate or practice unless duly licensed by the Emergency Medical Services' Board pursuant to this chapter].

Aggravating Circumstances:

- The length of time of unlicensed practice.

Mitigating Circumstances:

- Licensure is a new system as of January 1, 2007; and
- Licensee had the required training and was licensable.

RECOMMENDED ACTION:

Due to the above mitigating circumstances, the Investigation Committee recommended that this case be resolved by a Consent Agreement with a Reprimand.

The Committee will consider case # 09-43 resolved and closed upon the ratification by the Board of the recommended consent agreement and its execution by all parties. If these conditions are not met, the committee recommends that the Licensee be notified of the right to request an adjudicatory hearing and any proposed action of the Board, in accordance with Maine EMS Rules, Chapter 12, § 1 (4)(B). (Doughty; Knowlton - motion carried).

2. CASE # 09-42 - Licensee present.

The committee entered executive session for the purpose of reviewing investigation and discussing case #09-42. Motion: To enter executive session pursuant to 32 M.R.S.A. §90 (A)(3), § 92 and 1 M.R.S.A. §405(6)(E) & (F) to receive legal advice and to conduct an informal conference concerning case # 09-42. (Doughty; Knowlton – motion carried). The committee entered executive session at 9:45 a.m. and returned to public session at 10:20 a.m. During executive session, the committee met with Licensee and discussed options for disposition of case # 09-42.

Case Summary and Rules Violation: After discussion, Leach moved to recommend that the Board resolve case # 09-42 by issuing the Licensee a Consent Agreement with a Reprimand based upon allowing an Emergency Medical Dispatcher to perform without a license for 13 months from December 2007 to February 2009, in violation of Maine EMS Rules (dated September 1, 2006) Chapter 11 §(1)(2) – Violating a lawful order, rule or consent agreement of the Board; Chapter 11§(1)(3) Violating any of the provisions of 32 M.R.S.A., Chapter 2-B; Chapter 11 §(1)(35) Delegation of practice, skills or treatment to a person who is not licensed or qualified to perform said practice, skills or treatment; and 32 MRSA §82 (1) License required [emergency medical dispatch center or emergency medical dispatcher may not operate or practice unless duly licensed by the Emergency Medical Services' Board pursuant to this chapter].

Aggravating Circumstances:

- The length of time of allowing unlicensed practice.

Mitigating Circumstances:

- Licensure is a new system as of January 1, 2007;
- Dispatcher was licensable; and
- Dispatcher was attending continuing education classes.

RECOMMENDED ACTION:

Due to the above mitigating circumstances, the Investigation Committee recommended that this case be resolved by a Consent Agreement with a Reprimand.

The Committee will consider case # 09-42 resolved and closed upon the ratification by the Board of the recommended consent agreement and its execution by all parties. If these conditions are not met, the committee recommends that the Licensee be notified of the right to request an adjudicatory hearing and any proposed action of the Board, in accordance with Maine EMS Rules, Chapter 12, § 1 (4)(B). (Leach; Knowlton - motion carried).

3. CASE # 10-02 - Licensee not present.

The committee entered executive session for the purpose of reviewing investigation and discussing case # 10-02. Motion: To enter executive session pursuant to 32 M.R.S.A. §90 (A)(3), § 92, and 1 M.R.S.A. §405(6)(E) & (F) to receive legal advice and to conduct an informal conference concerning case # 10-02. (Doughty; Knowlton – motion carried). The committee entered executive session at 10:35 a.m. and returned to public session at 11:15 a.m. During executive session, the committee discussed options for disposition of case # 10-02.

Case Summary and Rules Violation: After discussion, Leach moved to recommend that the Board resolve case # 10-02 by dismissing the complaint with a Letter of Guidance, based upon the Center allowing an Emergency Medical Dispatcher to perform without a license for one call, though while being supervised by a Field Training Officer. The Board could find the Center committed a technical violation of Maine EMS Rules (dated October 1, 2009) Chapter 11 §(1)(2) – Violating a lawful order, rule or consent agreement of the Board; Chapter 11§(1)(3), Violating any of the provisions of 32 M.R.S.A., Chapter 2-B; Chapter 11 §(1)(35), Delegation of practice, skills or treatment to a person who is not licensed or qualified to perform said practice, skills or treatment; and 32 MRSA §82 (1) License required [emergency medical dispatch center or emergency medical dispatcher may not operate or practice unless duly licensed by the Emergency Medical Services' Board pursuant to this chapter].

Aggravating Circumstances:

- None

Mitigating Circumstances:

- Licensure is a new system as of January 1, 2007;
- Licensee self reported;
- This was a single incident;
- There was a Field Training Officer on the same call;
- The dispatcher was licensable at the time; and
- The Center took immediate action and developed a policy to prevent this from happening in the future.

RECOMMENDED ACTION:

Due to the above mitigating circumstances, the Investigation Committee recommended that this case be resolved by dismissal with a letter of guidance to be maintained in Licensee's file for three (3) years.

The Committee will consider case # 10-02 resolved and closed upon the ratification by the Board of its dismissal and the issuance of a letter of guidance. (Leach; Hand - motion carried).

4. CASE # 10-05 – Licensee present.

The committee entered executive session for the purpose of reviewing investigation and discussing case # 10-05. Motion: To enter executive session pursuant to 32 M.R.S.A. §90 (A)(3), §92, and 1 M.R.S.A. §405(6)(E) & (F) to receive legal advice and to conduct an informal conference concerning case # 10-05. (Doughty; Knowlton – motion carried). The committee entered executive session at 11:15 a.m. and returned to public session at 12:10 p.m. During executive session, the committee met with Licensee and discussed options for disposition of case # 10-05.

Case Summary and Rules Violation: After discussion, Leach moved to recommend that the Board resolve case # 10-05 by dismissing the complaint with a Letter of Guidance, based upon the Center allowing an Emergency Medical Dispatcher to perform without a license. The Board could find the Center in violation of Maine EMS Rules (dated October 1, 2009) Chapter 11 §(1)(2) – Violating a lawful order, rule or consent agreement of the Board; Chapter 11§(1)(3) Violating any of the provisions of 32 M.R.S.A., Chapter 2-B; Chapter 11 §(1)(35) Delegation of practice, skills or treatment to a person who is not licensed or qualified to perform said practice, skills or treatment, and 32 MRSA §82 (1) License required [emergency medical dispatch center or emergency medical dispatcher may not operate or practice unless duly licensed by the Emergency Medical Services' Board pursuant to this chapter].

Aggravating Circumstances:

- Did not have a formal policy in place at the time

Mitigating Circumstances:

- Licensure is a new system effective January 1, 2007;
- The dispatcher was licensable at the time;
- The Center immediately removed provider from Emergency Medical Dispatching (EMD);
- The Center accepted responsibility; and
- Developed a policy to prevent reoccurrence.

RECOMMENDED ACTION:

Due to the above mitigating circumstances, the Investigation Committee recommended that this case be resolved by dismissal with a letter of guidance to be maintained in Licensee's file for three (3) years.

The Committee will consider case # 10-05 resolved and closed upon the ratification by the Board of its dismissal and the issuance of a letter of guidance. (Leach; Hand – 3 – 1 motion carried).

5. CASE # 09-47 - Licensee present. Steve Leach disclosed that he knew the Licensee on a professional basis, but stated that this knowledge would not affect his ability to decide the matter impartially based only on the information provided to them by EMS staff. Licensee had no objections to his participation.

The committee entered executive session for the purpose of reviewing investigation and discussing case # 09-47 Motion: To enter executive session pursuant to 32 M.R.S.A. §90 (A)(3), §92 and 1 M.R.S.A. §405(6)(E) & (F) to receive legal advice and to conduct an informal conference concerning case # 09-47. (Doughty; Knowlton – motion carried). The committee entered executive session at 12:45 p.m. and returned to public session at 1:00 p.m. During executive session, the committee met with Licensee and discussed options for disposition of case # 09-47.

Case Summary and Rules Violation: After discussion, Knowlton moved to recommend that the Board resolve case # 09-47 by dismissing the complaint with a Letter of Guidance, based upon the Center allowing an Emergency Medical Dispatcher to perform without a license. The Board could find the Center in violation of Maine EMS Rules (dated October 1, 2009) Chapter 11 §(1)(2) – Violating a lawful order, rule or consent agreement of the Board; Chapter 11 §(1)(3) Violating any of the provisions of 32 M.R.S.A., Chapter 2-B; Chapter 11 §(1)(35) Delegation of practice, skills or treatment to a person who is not licensed or qualified to perform said practice, skills or treatment, and 32 MRSA §82 (1) License required [emergency medical dispatch center or emergency medical dispatcher may not operate or practice unless duly licensed by the Emergency Medical Services' Board pursuant to this chapter].

Aggravating Circumstances:

- The length of time of unlicensed practice.

Mitigating Circumstances:

- Licensure is a new system effective January 1, 2007;
- Licensee developed a policy to prevent re-occurrence;
- Licensee self reported and immediately removed provider from EMD; and
- The individual was licensable.

RECOMMENDED ACTION:

Due to the above mitigating circumstances, the Investigation Committee recommended that this case be resolved by dismissal with a letter of guidance to be maintained in Licensee's file for three (3) years.

The Committee will consider case # 09-47 resolved and closed upon the ratification by the Board of its dismissal and the issuance of a letter of guidance. (Knowlton; Hand – motion carried).

6. CASE # 09-25 - Licensee present.

The committee entered executive session for the purpose of reviewing investigation and discussing case #09-25. Motion: To enter executive session pursuant to 32 M.R.S.A. §90 (A)(3), §92 and 1 M.R.S.A. §405(6)(E),(F) to receive legal advice and to conduct an informal conference concerning case # 09-25. (Doughty; Knowlton – motion carried). The committee entered executive session at 1:15 p.m. and returned to public session at 2:10 p.m. During executive session, the committee met with the Licensee and discussed options for disposition of case # 09-25.

Case Summary and Rules Violation: After discussion, Leach moved to recommend that this case be tabled until June 2010 in order to afford the department: (1) To work with staff to merge old data; and (2) Until May 1st to receive MEMSRR training and commence compliance with reporting all new run reports within three (3) business days in accordance with Maine EMS Rules, Chapter 3 § 9, (dated October 1, 2009). (Leach; Knowlton – motion carried).

Respectfully submitted,

Dawn Kinney, EMT-P
Licensing Agent

*Please see Maine EMS Board minutes of May 5, 2010. [Motion For the Investigations Committee to approve the minutes of the April 7 meeting without case # 09-43, which will be referred back to the Committee for review of new information]